

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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CLIFTON B. SAULSBERRY, JR.,

Case No. 2:20-cv-02054-KJD-DJA

Plaintiff,

V.

UNITED PARCEL SERVICE,

Defendant.

ORDER

This matter is before the Court on Plaintiff's Motion/Application to Proceed In Forma Pauperis (#1), filed on November 6, 2020.

Plaintiff has requested authority pursuant to 28 U.S.C. § 1915 to proceed in forma pauperis and submitted a complaint along with the application. The Court finds that Plaintiff's application is incomplete. In response to question two, Plaintiff indicates that his ex-employer is UPS, but then provides conflicting information that he is currently earning \$600.00 in gross pay. In response to question three, Plaintiff indicates that he receives disability or worker's compensation payments, but does not provide the amount of that income. As a result, the Court cannot determine whether Plaintiff is eligible to proceed in forma pauperis. Plaintiff's Motion/Application shall be denied without prejudice and he will be given another opportunity to submit a second, completed application along with a complaint. Indeed, Plaintiff must provide a completed complaint when re-submitting his new application.

Further, having concluded that Plaintiff is not entitled at this time to proceed in forma pauperis, the Court need not screen the complaint under 28 U.S.C. § 1915(e)(2)(B), which requires the dismissal of the case at any time if the Court determines that it is frivolous or malicious or fails to state a claim upon which relief can be granted or seeks monetary relief against a defendant who is immune from such relief. Nevertheless, the Court notes one

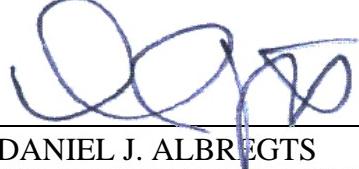
1 deficiency in his complaint – the EEOC Notice of Right to Sue was issued on August 26, 2020,
2 which provided him with 60 days to file suit. This action was commenced on November 6, 2020
3 past that 60 day window, which expired on October 26, 2020. As a result, Plaintiff must explain
4 why his claims would be timely and specifically explain and describe each claim he wishes to
5 assert.

6 Based on the foregoing and good cause appearing therefore,

7 IT IS ORDERED that Plaintiff's Motion/Application to Proceed In Forma Pauperis (#1) is
8 **denied** without prejudice as incomplete.

9 IT IS FURTHER ORDERED that Plaintiff shall have until December 9, 2020 to file a
10 new, completed Second Application to Proceed In Forma Pauperis along with a complaint. In the
11 alternative, Plaintiff may make the necessary arrangements to pay the filing fee of three hundred
12 fifty dollars (\$350) and administrative fee of fifty dollars (\$50), for a total of four hundred dollars
13 (\$400), accompanied by a copy of this Order. Failure to comply with this Order will result in a
14 recommendation to the District Judge that this action be dismissed.

15 DATED: November 9, 2020



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

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